

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE:

BRAD W. DANIEL

**3:18-bk-00245
CHAPTER 7**

**MOTION FOR RELIEF FROM THE AUTOMATIC
STAY OF SECTION 362 OR IN THE ALTERNATIVE ADEQUATE PROTECTION
AND ABANDONMENT OF PROPERTY BY TRUSTEE**

COMES NOW Nationstar Mortgage LLC d/b/a Mr. Cooper Servicer for Deutsche Bank National Trust Company, as Trustee for GSR Mortgage Loan Trust 2007-AR2 Mortgage Pass-Through Certificates Series 2007-AR2 ("Nationstar Mortgage LLC d/b/a Mr. Cooper") and respectfully shows the Court the following:

1. On January 15, 2018, the Debtor(s), Brad W. Daniel, filed a petition with the Bankruptcy Court for the Middle District of Tennessee under Chapter 13 of Title 11 of the United States Code. On February 7, 2018 the case was converted to a case under Chapter 7 of Title 11 of the United States Code.
2. On the date the petition was filed, the Debtor(s) Brad W. Daniel was the owner(s) of real property with an address of 308 Hamlets End Way, Franklin, TN 37067 ("Property").
3. The said Deed of Trust secures a Note in favor of Community First Bank & Trust, in the original principal amount of \$766,400.00, dated February 8, 2007 ("Note"), a copy of which is attached as "Exhibit 1."
4. The Property is subject to the first lien of the Movant by the Deed of Trust recorded in the Williamson County Public Registry, ("Deed of Trust"), a copy of which is attached as "Exhibit 2."
5. The said Note and Deed of Trust have been transferred and assigned to Deutsche Bank National Trust Company, as Trustee for GSR Mortgage Loan Trust 2007-AR2 Mortgage Pass-Through Certificates Series 2007-AR2.
6. The Debtor(s) has defaulted in the payment of the mortgage payments. Upon information and belief, the amount of the default, exclusive of attorney fees and costs, is as follows:

7 payments at \$5,626.30	\$39,384.10
August 1, 2015 To February 1, 2016	
12 payments at \$5,620.08	\$67,440.96
March 1, 2016 To February 1, 2017	
11 payments at \$5,607.16	\$61,678.76
March 1, 2017 To January 1, 2018	
1 payment at \$5,611.83	\$5,611.83

February 1, 2018 To February 1, 2018

Less Suspense (\$0.00)

TOTAL PAYMENTS DUE \$174,115.65

7. The approximate payoff is \$948,628.05.

8. The tax value of the subject property is \$756,000.00. This information was obtained from the Williamson County Tax Assessment site. A copy is attached as "Exhibit 3."

9. Because the debtor(s) have failed to keep the payments current, as required, the property is not necessary for an effective reorganization, and there is no equity in the property, Nationstar Mortgage LLC d/b/a Mr. Cooper, is entitled to relief from the Automatic Stay pursuant to Section 362(d)(2) of the Bankruptcy Code.

10. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

11. Nationstar Mortgage LLC d/b/a Mr. Cooper services the Debt Agreement/Note/Home Equity Note on the property. In the event the automatic stay is modified, this case dismisses and/or the Debtor receives a discharge and a foreclosure action is commenced on the property, the foreclosure will be conducted in the name of Movant. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

WHEREFORE, Nationstar Mortgage LLC d/b/a Mr. Cooper Servicer for Deutsche Bank National Trust Company, as Trustee for GSR Mortgage Loan Trust 2007-AR2 Mortgage Pass-Through Certificates Series 2007-AR2 ("Nationstar Mortgage LLC d/b/a Mr. Cooper") prays the Court as follows:

1. Modify the Automatic Stay of Section 362(a) of the Bankruptcy Code to permit the movant its successors and/or assigns to institute or resume and prosecute to conclusion one or more action(s) in the court(s) of appropriate jurisdiction to foreclose mortgage(s) held by the movant upon the following: - Land and premises commonly known as 308 Hamlets End Way, Franklin, TN 37067.

2. That the Court order the Trustee to abandon interest in the real property located at 308 Hamlets End Way, Franklin, TN 37067, pursuant to 11U.S.C. 554 (b).

3. Modify Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure so that it is not applicable in this case and so Nationstar Mortgage LLC d/b/a Mr. Cooper may immediately enforce and implement this order granting relief from the automatic stay.

4. Grant Nationstar Mortgage LLC d/b/a Mr. Cooper such other and further relief as may seem just and proper.

This the 15th day of February, 2018.

/s/ Kyle Stewart

Kyle Stewart, Attorney for Creditor, Bar # 33796

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing motion for relief from the automatic stay and exhibits and annexed pleading or paper upon:

(Served via U.S. Mail)
Brad W. Daniel
308 Hamlets End Way
Franklin, TN 37067

(Served via Electronic Notification Only)
Adrienne Trammell Love
Trammell Love Law Firm
709 Lenox Village Drive, Suite 103
Nashville, TN 37211

(Served via Electronic Notification Only)
Jeanne Ann Burton
95 White Bridge Rd
Nashville, TN 37205

(Served via Electronic Notification, Only)
Office of the United States Trustee
701 Broadway, Ste 318
Nashville, TN 37203

by depositing the same in a postpaid wrapper properly addressed to each such party or his attorney of record in a post office or other official depository under the exclusive care and custody of the United States Postal Service and/or by electronic mail, if applicable.

This the 15th day of February, 2018.

/s/ Kyle Stewart
Kyle Stewart, Attorney for Creditor, Bar # 33796
kstewart@logs.com |704-831-2341
Shapiro & Ingle, LLP

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